

**TITLE 5**  
**LAW ENFORCEMENT AND ANIMAL CONTROL**

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Animal Care and Control .....	1
Parking .....	2
Weight Limit .....	3
Burglar Alarm .....	4

# TETON COUNTY, IDAHO ORDINANCE 2016-1212

## Amendment to Title 5, Chapter 1

AN ORDINANCE OF TETON COUNTY, IDAHO AMENDING TITLE 5, CHAPTER 1 OF THE COUNTY CODE; ESTABLISHING DEFINITIONS AND DOG LICENSING REQUIREMENTS; ADOPTING A PROHIBITION ON AT LARGE DOGS AND RESTRICTIONS ON NOISY DOGS; PROVIDING FOR THE IMPOUNDING OF AT LARGE OR SUSPECTED RABID DOGS AND THE ADOPTION OF UNCLAIMED IMPOUNDED DOGS; ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF TETON, STATE OF IDAHO:**

**SECTION 1.** The following text shall replace Title 5, Chapter 1 of the Teton County Code, in its entirety and be enforced as such:

### CHAPTER 1

#### **Animal Care and Control**

##### SECTION:

- 5-1- 1: Purpose
- 5-1- 2: Definitions
- 5-1- 3: Licenses
- 5-1- 4: Restricted and Prohibited Acts
- 5-1- 5: Impounding
- 5-1- 6: Rabid Dog
- 5-1- 7: Adoption; Fee
- 5-1- 8: Fines, Fees and Penalties

5-1-1:       **PURPOSE:**   The County of Teton hereby establishes this ordinance to promote the health, safety, and welfare of the residents, animals, and visitor of the County of Teton; and to protect the properties of such persons by establishing a uniform and humane dog care and control ordinance.

5-1-2:       **DEFINITIONS:** When used in this chapter, unless the context otherwise indicates, the following terms and phrases shall have the meanings as herein ascribed:

**ANIMAL CARE AND CONTROL OFFICER:** The person or persons given authority by the County of Teton, the Teton County Board of Commissioners or the Teton County Sheriff's Office, to enforce this chapter, or any peace officer in this State.

**AT LARGE:** Off the premises of the owner and not under the control or restraint of the owner, keeper, or custodian of the animal.

**CONTROL/VOICE CONTROL:** Within the incorporated cities, a dog shall be deemed to be under control if such dog is physically restrained. Within the unincorporated county, a dog may be deemed to be under control by means of voice control. Voice control means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper's verbal command, whistle or hand signal. If an unleashed dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be "at large", unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner that such person consents to the presence of the dog.

**COUNTY:** Shall include the unincorporated areas within the boundaries of Teton County, Idaho.

**DOG:** Includes any unaltered or altered male or female canine not in the line of duty for a law enforcement agency.

**HUMANE:** To provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.

**HUMANELY DISPOSE:** To euthanize any animal according to the State of Idaho Board of Veterinary Medicine's current euthanasia rules and/or by a qualified veterinarian clinic/hospital, or certified euthanasia technician.

**IMPOUNDED:** Having been received into the custody of the Teton County Sheriff's Department or shelter master or other designated agent.

**INJURY:** Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

**NUISANCE:** Any noisy dog, any dangerous dog, or any dog engaging in behaviors described in section 5-3-4(B) of this chapter.

**OWNER:** Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.

**PREMISES:** The real property owned or occupied by the owner of the dog.

**RESTRAINT:** An animal shall be deemed to be under restraint if it is not At-Large.

**SHELTER MASTER:** The person or persons responsible for an animal shelter that provides humane care for animals impounded by the Animal Care and Control Officer.

VICIOUS DOG: A dog which, when not provoked, approaches any person who is not trespassing, in a vicious or terrorizing manner; or any dog which, when not provoked, physically attacks, wounds, bites or otherwise injures a person or domestic animal who is not trespassing.

### 5-1-3: LICENSES

A. Required:

1. License Required; Fee: All owners of dogs over six (6) months of age residing within the County of Teton must pay a license fee as set forth by resolution of the Teton County Board of Commissioners. Any violation of this Chapter, in which the license tag is not attached to the dog, may result in an additional violation.
2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the agent or officer of the county, as designated by the Board of County Commissioners, who shall thereupon give to the person paying it a dated receipt reciting the owner's name and the number of the license, and also a tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt.
3. Duplicate Tag: In the event of loss of license tag, a duplicate, so stamped, shall be provided to the owner by the county, at a reasonable cost for each duplicate tag.

B. When Required; Term; Relicensing:

1. All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into the County of Teton.
2. All licenses shall be issued on the date applied therefor and shall expire one year from that date.

C. Application: The owner shall state at the time application is made for a license and upon a form provided for such purpose, their name and address; the name, breed, color and gender of each dog owned or kept by them, whether such dog has been spayed or neutered; and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that their dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, or for which a licensed veterinarian cannot certify that such dog has been spayed or neutered, shall be considered a not-spayed dog or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered.

D. Certificate of Rabies Immunity: At time of application for a dog license, a current certification of rabies immunity from a licensed veterinarian must be presented.

- E. Conditions of Issuance: Licenses issued in accordance with this chapter are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals.

#### 5-1-4: RESTRICTED AND PROHIBITED ACTS:

##### Nuisances

1. Noisy Dog: It is a violation of this chapter for any owner of a dog to fail to exercise the reasonably necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in the neighborhood by allowing such dog to continue barking, howling and/or whining, audible beyond the property line of the premises on which the dog is located, for more than thirty (30) minutes. If it is determined that there is a prowler or something taunting the animal, a notice of violation will not be issued.
  2. Dogs at Large: It is a violation of this chapter for any person who owns, harbors or possesses a dog, whether licensed or not, to allow such dog to be at large, as defined by this Chapter, upon the streets or alleys of the County, or in any public place in the County, except for designated off-leash areas, or upon any other premises within the County without the consent of the person in possession of such premises. See Idaho Code § 25-2803 and 25-2804 and any amendments.
  3. Female Dogs in Heat: Each female dog, when in heat, shall be under control or penned or enclosed in such a manner as to preclude at large dogs from contacting such female dog.
  4. Unneutered Dogs at Large: It is a separate violation of this chapter for any owner of any unneutered dog that is found to be at large.
  5. Failure to Remove Waste: It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.
- B. Rabies Suspects: It shall be unlawful for a person to keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has bitten any person causing an abrasion or break in the skin, has a duty to surrender the dog for confinement at the animal shelter, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment in accordance with Section 5-3-6 of this chapter.
- C. Vicious Dogs: It shall be unlawful for the owner of a vicious dog or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure

enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained sufficiently to control the vicious dog. Any person who violates the provisions of this section is guilty of a misdemeanor. For a second or subsequent violation of this subsection, the Animal Care and Control Officer may, in the interest of public safety, impound the dog. The Shelter Master shall have the authority to either retrain the dog and place the animal for adoption or to order the vicious dog destroyed if the shelter is unable to release the animal to a responsible owner. See Idaho Code § 25-2805 and any amendments.

- D. Possession of Impounded Dogs: Except as authorized by the Shelter Master, no person shall have in his or her possession, care, custody or control any dog that has been impounded by the Animal Care and Control Officer and has not been properly released by the Shelter Master following payment of all impoundment fees and costs.
- E. Concealing Animals: It is a violation of this chapter to conceal any animal for the purpose and with the intent to violate this chapter or to prevent or interfere or hinder the Animal Care and Control Officer's enforcement of any part of this chapter.

#### 5-1-5: **IMPOUNDING:**

- A. Power To Impound: Any dog at large may be impounded by the Animal Care and Control Officer and delivered to an animal shelter and there confined in a humane manner.
- B. Redemption: At any time that a dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the Shelter Master the expenses incurred by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter.
- C. Alternative to Impoundment: Notwithstanding the provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to its owner and the owner may be cited for a violation of this chapter.

#### 5-1-6: **RABID DOG:**

- A. Impoundment of Suspect Animal: If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person causing laceration or abrasion of the skin, such dog shall be impounded in the animal shelter by the Animal Care and Control Officer or other authorized County Representative.
- B. Registry: The Shelter Master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the Shelter Master shall enter the name and address of the owner and the number of the license tag.

- C. Notice to Owner: Not later than three (3) days after the impounding of any such dog, the owner shall be notified by the Shelter Master, if the owner of the dog is known.
- D. Quarantine: The dog is to be quarantined in the animal shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and expense, the dog may be quarantined at a licensed veterinarian.
  - 1. No Symptoms Shown: At the end of the ten (10) day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog after vaccinating the dog for rabies.
  - 2. Symptoms Shown: If the dog shows symptoms of rabies, or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog he may deem necessary, including, but not limited to, destroying the dog for confirmatory testing.
- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog released by the veterinarian may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. Unclaimed Dog: If any dog so impounded is not claimed by the owner thereof at the expiration of twenty (20) days following release by the veterinarian, such dog may be placed for adoption.
- G. Notice To Victim: The shelter master shall provide the veterinarian's rabies determination to the Sheriff's office, which shall attempt to notify the victim of the dog bite.

5-1-7: **ADOPTION; FEE:** The Shelter Master is authorized to place for adoption any animal, which has been impounded for a period of not less than seven (7) days, excluding weekends and holidays. Any person wishing to adopt an animal shall pay to the Shelter Master an adoption fee as established by the animal shelter.

5-1-8: **FINES, FEES AND PENALTIES:**

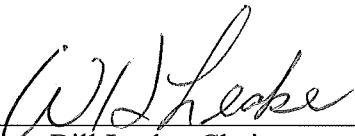
- A. Any person violating any of the provisions of this Chapter for which a fixed punishment has not been designated shall be deemed to have committed an infraction punishable in accordance with Idaho Code.
- B. The license fees are those fees set forth by resolution of the Teton County Board of Commissioners.

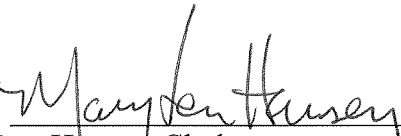
- C. Fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- D. Unless otherwise provided by ordinance, in addition to infraction penalties, the following fees regarding maintenance and impounding of animals are the responsibility of the dog owner:
  - 1. For keeping any dog: the shelter's daily rate.
  - 2. For veterinary expense: the actual cost thereof.
- E. Fines for maintenance and impounding of animals shall be paid to the Shelter Manager.
- F. In the event that any fine is not paid within ten days it may be assessed with interest against any person so charged, or a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the magistrate division of the district court, and, upon conviction, the court may assess costs of collection and/or court costs in addition to the prescribed penalties.

**SECTION 2.** All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 3.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**PASSED BY THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, IDAHO, this 12<sup>th</sup> day of Dec., 2016.**

  
\_\_\_\_\_  
Bill Leake, Chair

ATTEST:   
\_\_\_\_\_  
Mary Lou Hansen, Clerk



## CHAPTER 2

**PARKING**

## SECTION:

5-2-1:	Definitions
5-2-2:	Prohibited
5-2-3:	Exceptions
5-2-4:	Penalty

5-2-1:       **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**HIGHWAY:**                   The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

**INFRACTION:**             A civil public offense which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel and which is punishable by only a penalty not exceeding one hundred dollars (\$100.00) and no imprisonment.

**PRIMA FACIE  
EVIDENCE:**               The fact that a motor vehicle which is illegally parked under this chapter is registered in the name of a person shall be considered prima facie evidence that such person was in control of the vehicle at the time of such parking.

**ROADWAY:**               That portion of a public highway improved, designed or ordinarily used for vehicular traffic, exclusive of a sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is

used by persons riding bicycles or other human powered vehicles.

**TRAILER:** Every vehicle with or without motor power designed for carrying persons or property, and for being drawn by a motor vehicle.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (Ord. 93-3, 12-16-1993)

**5-2-2: PROHIBITED:** In the interest of providing for the public safety, snow removal, maintenance and free movement of traffic at all times, and promoting the health and property, and improving the comfort and convenience of the county and its inhabitants, it is hereby made unlawful, as follows:

- A. **Public Roadway Or Highway:** For any owner or operator to stop, park, or leave a vehicle or trailer, unattended, upon the public roadways and highways of the county.
- B. **Park And Ski Parking Area:** For any owner or operator to stop, park, or leave a vehicle or trailer, whether attended or unattended, in any designated park and ski parking area, without lawfully obtaining and properly displaying a park and ski parking permit sticker. (Ord. 93-3, 12-16-1993)

**5-2-3: EXCEPTIONS:**

- A. **Emergency Vehicles:** Authorized emergency vehicles operated by any fire department or law enforcement agency of the state, or any political subdivision thereof, or municipality within, and emergency vehicles or ambulances of any public utility or public service corporation.
- B. **Maintenance Vehicles:** Authorized maintenance vehicles operated by any agency or department of the state or any political subdivision thereof.
- C. **Disabled Vehicles:** This chapter shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it

5-2-3

5-2-4

is impossible to avoid stopping and temporarily leaving the vehicle trailer in such position. (Ord. 93-3, 12-16-1993)

5-2-4:       **PENALTY:** Any person who shall violate this chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code, plus towing. Citation shall be issued pursuant to the laws and court rules on infractions. (Ord. 93-3, 12-16-1993; amd. 2001 Code)

CHAPTER 3  
**WEIGHT LIMIT**

SECTION:

5-3-1:       Limitation Imposed  
5-3-2:       Penalty

5-3-1:       **LIMITATION IMPOSED:** County roads that access Targhee National Forest are hereby closed to vehicles in excess of ninety thousand (90,000) pounds gross vehicle weight or more. (Ord. 100198, 10-1-1998; amd. 2001 Code)

5-3-2:       **PENALTY:** Any person found to be in violation of this chapter shall be punishable as provided in section 1-4-1 of this code. (Ord. 100198, 10-1-1998; amd. 2001 Code)

## CHAPTER 4

**TETON COUNTY BURGLAR ALARM ORDINANCE**

## SECTION:

- 5-4-1: Purpose/Definitions
- 5-4-2: Requirement for Permit; Exceptions
- 5-4-3: Application for Permit; Requirements
- 5-4-4: Amendments to Permit Application
- 5-4-5: Term of Permit; Renewal
- 5-4-6: Permit Fees
- 5-4-7: Permits Nontransferable
- 5-4-8: Permits to be kept at Alarm Site
- 5-4-9: Duties of Permit Holder
- 5-4-10: Repair of Alarm System; Deactivation
- 5-4-11: Duty to Provide Access and Assistance
- 5-4-12: Requirement for Operation of Alarm Systems; Prohibitions
- 5-4-13: False Alarm; Exceptions
- 5-4-14: Fees for Teton County Response to False Alarm
- 5-4-15: When Permit May Be Revoked
- 5-4-16: Notice of Revocation or Denial; Hearing
- 5-4-17: Penalties for Violations
- 5-4-18: Policies and Procedures
- 5-4-19: Effective Date

Be it ordained by the Board of County Commissioners of Teton County, State of Idaho:

**5-4-1: PURPOSE/DEFINITIONS:**

A. In concert with the Sheriff's Office commitment to problem solving policing, the purpose of this Ordinance is to prevent false alarm activations that require the Sheriff's Office to respond. Deputies responding to false alarms are more wisely utilized preventing crime and solving crime problems. The vast majority of alarms are caused by improper use or defects in the systems, their installation or maintenance, rather than by criminal activity. Current information regarding the resident or business owner and his or her representative is vital to the safety of the deputies responding to alarms and a majority of the alarm users do not update this vital information without an annual permit renewal process.

B. The following word, terms and phrases, when used in these rules, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ALARM DETAIL:** The person(s) designated and authorized by the Sheriff to administer these rules.

**ALARM SITE:** The specific property or area of the premises on or within which an alarm system is installed or placed.

**ALARM SYSTEM:** Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity, but does not include mobile alarms or fire alarms.

**ALARM SYSTEM BUSINESS OR ALARM COMPANY:** Any person who sells, installs, services, monitors, or responds to systems.

**APPLICANT:** The person, or an agent or employee acting on behalf of such person, for whom a permit is sought.

**AUTOMATIC DIALING DEVICE:** Any device connected to an alarm system which automatically sends a pre-recorded message or coded signal to a pre-determined location indicating activation of the alarm system.

**BURGLAR ALARM:** Any alarm system intended to prevent or detect an unauthorized entry or attempt thereof into the alarm site.

**COUNTY LAW ENFORCEMENT OFFICIAL:** Any certified Idaho peace officer.

**DISCONNECT:** To render an alarm system disabled.

**FALSE ALARM:** An alarm signal received by a County law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, or other emergency.

**HOLD-UP ALARM:** Any alarm system which when activated by human action gives notification of robbery or attempt thereof.

**PERMIT:** A certificate of authorization issued to an applicant authorizing operation of the alarm system for an alarm site which the permit is issued.

**PERMIT HOLDER:** The person to whom an alarm system permit is issued.

**PERSON:** Includes an individual or an organization.



SHERIFF: The Sheriff of Teton County and any employee(s) of the Sheriff's Office assigned by the Sheriff or his designate to perform the duties prescribed by these rules.

SHERIFF'S OFFICE: The Teton County Sheriff's Office, an elected office of Teton County.

VARIABLE TONE AUDIBLE DEVICE: Means any audible device capable of emitting sound that is similar to an emergency vehicle siren or civil defense warning system. It shall not include an audible device that emits a steady-tone and/or a steady-tone which turns on and off, or a bell.

THIRTY-MINUTE SHUTOFF: An automatic device associated with an alarm system which automatically causes the audible and/or visual indication of the alarm to shut off and discontinue the emission of a signal after a period not to exceed thirty (30) minutes of continuous operation. (04 09, 2010)

5-4-2: **REQUIREMENT FOR PERMIT; EXCEPTIONS**

A. Any alarm system maintained, operated, used, or attempted to be used in violation of this ordinance shall be deemed a public nuisance alarm. No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued by the Sheriff for that alarm system. Any person who operates, causes to be operated, or allows the operation of an alarm system without a valid permit may be subject to criminal prosecution, imposition of fines, response fees and/or other costs.

B. This chapter does not apply to:

(1) emergency response systems managed by any State or County agency; or

(2) alarm systems installed to:

(a) a motor vehicle;

(b) premises occupied by Teton County, Idaho

C. Upon receipt of notification from an alarm system business, as authorized by these rules, a response made by a County law enforcement official shall be subject to any applicable policies and procedures of the Sheriff's Office governing response priorities. Neither Teton County, the Sheriff, the Teton County Sheriff's Office, nor any other law enforcement agency of Teton County has any duty or

obligation to respond to a notification of activation of an alarm system for which no valid permit exists.

D. An applicant is required to apply for a permit for an alarm system installed or to be installed on so much of the premises to which the person to whom a permit is to be issued has legal rights of ownership or possession. If a business or residence has one or more Alarm Systems protecting two or more separate structures having different addresses, a separate Alarm Permit will be required for each structure.

E. The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of response from the Sheriff, the Teton County Sheriff's Office, Teton County, or any other agency of Teton County.

F. When applicant tenders a completed application, it will be considered timely filed subject to these rules on the date the applicant either files a completed application in person or the postmark date when a completed application is deposited with the U.S. Postal Service. (04 09, 2010)

#### 5-4-3: **APPLICATION FOR PERMIT; REQUIREMENTS**

A. Application for a permit authorizing the operation of an alarm system shall be made by a person who owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the Alarm Detail on a form designated for that purpose. On such application shall be set forth:

- (1) The name, address, telephone number(s), date of birth and driver's license number of the permit applicant or intended permit holder;
- (2) The street address of the property on which the alarm system is to be installed and operated, including the particular suite or apartment number(s) if applicable;
- (3) Any business or assumed name used for the premises on which the alarm system is to be installed and operated;
- (4) The name of the alarm system business that has installed or will install the alarm system.
- (5) Other information as may be reasonably required by the Sheriff.
- (6) A representation that all outstanding fees, fines or other charges relating to these Rules owed to Teton County have been paid or satisfied.



(7) The information furnished and secured pursuant to this ordinance shall, to the extent permitted by law, be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that the public interest by not disclosing said information to the public clearly outweighs the public interest served by disclosing said information.

B. Such application shall be signed by the person making the application for the permit, acknowledging that he has read the application, affirming the correctness and accuracy of the information given to the application, authorizing the release to the Sheriff of the information required hereunder, and, if such person making the application will not be the permit holder, certifying that he is authorized to act for the intended permit holder.

C. Such application shall state the conditions for revocation or suspension of the permit and the response fees, and shall include by reference these rules, referred to as the Teton County Burglar Alarm Ordinance, or as it may subsequently be otherwise entitled.

D. The Sheriff shall issue a permit upon submission of an application therefore in accordance with these rules, unless the Sheriff finds, that:

(1) Any statement made in the application was incomplete, misleading or false;

(2) The applicant or the intended permit holder has not paid all outstanding fines, or costs previously imposed as a consequence of any violation of these rules.

(3) The alarm site was previously non-permitted while under the control of the applicant or the intended permit holder and outstanding fines, fees, or costs are still owed by the applicant or intended permit holder.

E. If the Sheriff denies the application for a permit, he shall cause to be mailed a notice of denial to the applicant or intended permit holder at the address set out in the application and shall furnish a copy thereof to be retained by the Alarm Detail. The notice shall state the reasons for the denial and shall inform the applicant or intended permit holder that he may reapply for a permit upon resolution or correction of the condition(s) that caused such denial. (04 09, 2010)

#### 5-4-4: **AMENDMENTS TO PERMIT APPLICATION**

Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties herein, the permit holder shall file an amendment to the permit application listing a person or company who is able and will perform those duties. So that at all times the application on file with the Sheriff's Alarm Detail designates at least two (2) persons or an alarm system business who are able and willing to perform such duties. Changes in emergency telephone numbers shall be kept current by the Alarm User and the Alarm Company and failure of either to provide current information to the Sheriff's Office shall constitute grounds for revocation or suspension of the Alarm Permit. All Alarm Companies and Alarm Users must notify the Sheriff's Office in writing of cancellation of service or change of information concerning the Alarm Users. Alarm Companies shall not be held responsible for violation of this section if they have not been notified by the Alarm User. (04 09, 2010)

#### 5-4-5: **TERM OF PERMIT; RENEWAL**

A. Each permit issued pursuant to these rules shall be valid for one (1) year from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of one year, the permit shall expire on the date of such relinquishment.

B. The Sheriff shall give the permit holder a least thirty (30) days notice of the expiration date and the need for timely renewal; provided, however, that such notice or lack thereof for whatever reason shall not relieve the permit holder of his duty to renew such permit as provided hereunder. On or before the expiration of the permit, the permit holder shall submit to the Alarm Detail a renewal application. If any fees, or costs remain owed to Teton County that are beyond thirty (30) days in arrears pursuant to these rules, the Sheriff may deny the renewal application until such time that all fines, fees or costs have been paid. (04 09, 2010)

#### 5-4-6: **PERMIT FEES**

New permit fees and renewal permit fees are as set forth by the Teton County Board of County Commissioners. (04 09, 2010)

#### 5-4-7: **PERMITS NONTRANSFERABLE**

Each permit issued shall be valid only for the alarm site permitted and is not transferable to another person or other alarm site. Upon transfer from the permit holder of ownership or leasehold rights to the alarm site, a new permit must be applied for in accordance with these rules. (04 09, 2010)

**5-4-8: PERMITS TO BE KEPT AT ALARM SITE**

The permit holder shall keep the permit at the alarm site and shall produce such permit for inspection upon the request of any County law enforcement official. (04 09, 2010)

**5-4-9: DUTIES OF PERMIT HOLDER**

A. The permit holder shall ensure that he or any person listed with the Alarm Detail under Sections 3 and 4 is able to:

(1) receive notification at any time;

(2) come to the alarm site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon the receipt of the request from the County law enforcement official, advise the official when the estimated time the permit holder will arrive at the alarm site; and,

(3) grant access to the alarm site and deactivate the alarm system if necessary.

B. The permit holder shall additionally ensure that all persons authorized to activate or deactivate the alarm system are trained in the proper operation of the alarm system.

C. The permit holder is responsible for all fines, fees, or costs associated with the permit and operation of the alarm system. (04 09, 2010)

**5-4-10: REPAIR OF ALARM SYSTEM; DEACTIVATION**

A. Upon receipt of notification from the Alarm Detail that an alarm system has malfunctioned and has caused four (4) or more false alarms within the current permitted term, the permit holder may be subject to a period of non-response as described in Section XIV.

B. Upon receipt of notification from the Alarm Detail that an alarm system has malfunctioned and has caused four (4) or more false alarms within the current permitted term, the permit holder shall have such system repaired within seventy-two (72) hours, and then provide evidence that the system has been repaired; or the permit holder may cause such system to be deactivated rather than having the system repaired. In such event, the system shall not be reactivated until it has been repaired and the Alarm Detail has been provided evidence reflecting same. (04 09, 2010)

**5-4-11: DUTY TO PROVIDE ACCESS AND ASSISTANCE**

Upon receipt of notification from a County law enforcement official that an alarm system has been activated, any person who has been designated by the permit holder to do so, shall come to such site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon receipt of the request from the County law enforcement official, advise the official when the estimated time the permit holder will arrive at the alarm site in order to provide any necessary access or assistance. (04 09, 2010)

**5-4-12: REQUIREMENTS FOR OPERATION OF ALARM SYSTEMS; PROHIBITIONS**

No person shall operate, cause to be operated, or permit to be operated any alarm system unless the following requirements are met:

(1) Any alarm system which may be activated as a result of different types of emergency situations shall give a unique alarm signal, if so equipped, that is to designate activation as a result of a hold-up, a burglary, or any other type of emergency situation so that the proper notification and proper response can be made;

(2) Any alarm system designed to emit an audible signal to be heard from the exterior of the alarm site, located 500 feet of a public roadway, shall have a thirty (30) minute shutoff from the time of activation and must not sound similar to that of a variable tone audible device. Exception: Alarm systems installed prior to these regulations becoming effective shall have until January 1, 2011 to comply with this subsection.

(3) no hold-up alarm shall include a money clip, pressure pad, or similar device which can cause activation inadvertently; and any hold-up alarm shall be designed so that it may be activated only by intentional and deliberate human action;

(4) No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any telephone line or number assigned to any governmental agency of Teton County, Idaho and then transmits a prerecorded message or signal;

(5) The Sheriff may set reasonable standards and procedures to be followed by an alarm system business when giving notice to a law enforcement agency of activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any person requesting same for a reasonable reproduction fee. (04 09, 2010)

**5-4-13: FALSE ALARMS; EXCEPTIONS**

No person shall intentionally or knowingly activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be a defense to prosecution under this subsection that the alarm system was activated solely for the purpose of testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid any request for response being made to a Teton County law enforcement agency. (04 09, 2010)

**5-4-14: FEES FOR TETON COUNTY RESPONSE TO FALSE ALARM**

A. False alarms shall incur a service fee, calculated per calendar year, payable to the County in an amount set by resolution of the Teton County Board of Commissioners.

B. A service fee invoice shall be mailed to the alarm user within thirty (30) days of the false alarm. The service fee is due and owing not later than thirty (30) days after the date of mailing the invoice. The date of mailing shall appear on the invoice. Fees received after the due date shall be subject to a late fee of twenty-five dollars (\$25.00). Fees received more than sixty (60) days after the due date shall be subject to an additional twenty-five dollars (\$25.00) late fee and this shall be a continuing charge every 30 days until paid.

C. In addition to any other action that may be taken by the Sheriff pursuant to this Chapter, the Sheriff may discontinue responding to an alarm at any location if the Sheriff has responded to four (4) or more false alarms at the location during any calendar year. The period of non-response shall be determined by the Sheriff, but shall not exceed six months. It shall apply to permit holders as well as persons who are unlawfully operating an alarm system without a permit or with a permit that has been suspended. The Sheriff may shorten the period of non-response imposed upon receipt of satisfactory evidence that the problem creating the false alarms has been corrected. In addition, the Sheriff may discontinue response in the event that any false alarm service fee or fees remain unpaid sixty (60) days after invoice, until such time as such fees are paid, plus an additional five (5) business days in order to allow sufficient time to process payments.

D. Any person may appeal the assessment of a false alarm service fee by filing a notice of appeal with the Sheriff within fifteen (15) days of the mailing of the service fee invoice. The notice of appeal shall state all reasons why the appealing party believes that the fee was improperly assessed and shall be

accompanied by any documentary evidence that the appealing party wishes to be considered. The appeal and all documentation shall be reviewed by the Sheriff or the Sheriff's designee. The decision of the Sheriff or the Sheriff's designee shall be final. In the event that it is determined that the false alarm fee was improperly assessed, the fee shall be canceled. (04 09, 2010)

**5-4-15: WHEN PERMIT MAY BE REVOKED**

An alarm system permit may be revoked upon the occurrence of one or more of the following:

- (1) The permit holder has failed to make payment in full to Teton County for any fees assessed within sixty (60) days of the date the Sheriff has mailed a notice to the permit holder that such fees are due and owing.
- (2) The permit holder accrues six (6) or more false alarms during the term of the permit.
- (3) A violation of any of the provisions of this ordinance. (04 09, 2010)

**5-4-16: NOTICE OF REVOCATION OR DENIAL; HEARING**

A. If an application for a permit is denied or a permit is revoked the Sheriff shall serve on the applicant or permittee a written notice of the Sheriff's proposed action including the right to a hearing on the matter. Service shall be by mail to the applicant's or permittee's last known address. Service shall be considered complete five (5) calendar days after such mailing. The applicant or permittee may, within ten (10) business days after service of the Sheriff's notification, file a request for hearing. Such request shall be in writing and mailed or deposited with the Sheriff at 89 North Main Street, Driggs, ID 83422, and shall be accompanied by a filing fee in an amount set by resolution of the Teton County Board of Commissioners to cover the cost of processing the appeal. If no request for hearing is filed within the time and in the manner prescribed above, the right to a hearing on the proposed denial or revocation shall be deemed to have been waived and the Sheriff may proceed to deny or revoke the permit according to the terms of the original notice of proposed action.

B. Upon receiving a written request for a hearing, the Sheriff shall serve on the applicant or permittee by first class mail, a notice of the time and place of hearing. Service shall be made at least ten (10) calendar days prior to the date set for hearing.

C. Upon the receipt of a written request for a hearing, in the case of a revocation, the Sheriff shall take no further action until a hearing has been held and the Sheriff has the written decision of the hearing officer.

D. The hearing shall be conducted by an individual who is designated by a County Commissioner. The individual may be an employee of the County who is not assigned to the Sheriff's Department or otherwise subordinate to the Sheriff, or an individual who is not an employee, retained pursuant to a contract to provide such services.

E. In the event of a request for a hearing by the applicant or permittee, pursuant to the provisions of this chapter, a hearing shall be conducted by the hearing officer. All hearings are intended to be conducted in an informal manner. The Sheriff shall carry the burden of proof that grounds exist for denial or revocation. The applicant or permittee may appear, present evidence and examine and cross-examine witnesses. In the event the applicant or permittee fails to appear at the time, date and place appointed for the hearing, the hearing shall be conducted in the absence of the applicant or permittee and the hearing officer shall render a decision based upon evidence presented during the hearing.

F. At the conclusion of the hearing, the hearing officer shall issue a written decision. In the case of a permit revocation, the decision shall determine the length of the revocation. The decision of the hearing officer shall be final as to all parties unless an appeal is made to a court of competent jurisdiction within ten (10) days of the decision made by the hearing officer. (04 09, 2010)

#### **5-4-17: PENALTIES FOR VIOLATIONS**

A person who violates any provision of these rules commits a misdemeanor and, upon conviction thereof, may be punished by a fine and/or imprisonment and imposition of any applicable response fee(s) and costs incident to such violation. (04 09, 2010)

#### **5-4-18: POLICIES AND PROCEDURES**

The Sheriff may from time to time promulgate and institute policies and procedures necessary to implement and enforce these rules. (04 09, 2010)

#### **5-4-19: EFFECTIVE DATE**

These rules shall be effective as of April 9, 2009. Any user who fails to obtain a permit within 180 days from the effective date of this ordinance shall be charged \$100.00 in addition to any other fees provided herein. (04 09, 2010)